

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JASON LEE WRIGHT,

Plaintiff,

v.

ALEJANDRO REYES, et al.

Defendants.

ORDER

Case No. 21-cv-771-bbc

On December 6, 2021, I entered an order assessing plaintiff Jason Lee Wright an initial partial payment of \$39.01 in the above case. Now plaintiff has filed a letter explaining that he cannot pay the filing fee, which I will construe as a motion to waive the initial partial filing fee. Dkt. 7. I will deny without prejudice plaintiff's motion for the following reasons.

In 28 U.S.C. § 1915, Congress has dictated the manner in which prisoners must pay the fees for filing federal lawsuits and appeals, and I have no discretion to modify this method. In calculating the amount of plaintiff's initial partial payment in this case, I used the first inmate account statement plaintiff submitted on December 6, 2021, in support of his for leave to proceed without prepaying the fee. Dkt. 2. That inmate account statement shows that plaintiff has had deposits made to his account, which I was able to calculate plaintiff's average monthly deposits to be \$39.01.

However, I will give plaintiff an extension of time until February 22, 2022, to submit the \$39.01 initial partial payment. If by February 22, plaintiff is still unable to pay the \$39.01 initial partial payment, plaintiff should submit an updated trust fund account statement or other documentation that shows how his financial situation has changed.

ORDER

IT IS ORDERED that:

1. Plaintiff Jason Lee Wright's motion to waive the initial partial payment in the above case, dkt. 7, is DENIED without prejudice.
2. Plaintiff may have an enlargement of time to February 22, 2022, in which to submit a check or money order payable to the clerk of court in the amount of \$39.01 or to submit an updated inmate account statement.
3. If, by February 22, plaintiff fails to make the \$39.01 initial partial, or to show cause for his failure to do so, plaintiff will be held to have withdrawn the action voluntarily and the case will be closed without prejudice to plaintiff's filing this case at a later date.

Entered this 1st day of February, 2022.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge